

REMARKS

The Specification is objected to for failing to provide antecedent basis for the subject matter of claims 67-96. Claims 39-41, 43-45, 47, 49-51, 53-57 and 67-96 have been rejected under 35 U.S.C. § 101. Claims 34-38 stand rejected under 35 U.S.C. § 103 as being unpatentable over Cochrane (Patno. 6,847,962) in view of Bhargava (Patno. 5,701,454). Claims 34-38, 43-45, 47 and 50-51 have been provisionally rejected for statutory double patenting. The Office Action states that claims 39-41, 43-45, 47, 49-51, 53-57 and 67-96 include allowable subject matter. The claim amendments herein do not introduce new matter. For the reasons set forth below, applicants submit that this case is in condition for allowance.

Interview Summary

Applicants' undersigned representative, Mr. Eiferman, and Examiner Diane Mizrahi participated in a telephonic interview on July 31, 2008 to discuss the Section 101 rejections and the amendments herein. Examiner Mizrahi stated that the amendments herein appeared to overcome the Section 101 rejections of record.

Specification

The Office Action alleges that the Specification does not support a “computer-readable storage medium.” Applicants do not agree with this allegation. Nevertheless, the term “computer-readable storage medium” is hereby deleted from the claims.

Section 101 Rejections

Claims 39-41, 43-45, 47, 49-51, 53-57 and 67-96 have been rejected under 35 U.S.C. § 101. Claims 39-41, 43-45, 47, 49-51, 53-57 are hereby amended to recite a “sending a query result” step which is a tangible result. The Specification is also amended to remove references to carrier waves and other intangible media.

Section 103 Rejections

Claims 34-38 stand rejected under 35 U.S.C. § 103 as being unpatentable over Cochrane (Patno. 6,847,962) in view of Bhargava (Patno. 5,701,454). Claims 34-38 are hereby deleted.

Statutory Double Patenting Rejection

Claims 34-38, 43-45, 47 and 50-51 have been provisionally rejected for statutory double patenting under 35 U.S.C. § 101 with respect to claims 97-106, 108 and 109 in Application No. 10/998,761. Claims 34-38 of the present application are hereby canceled. Claims 43-45, 47 and 50-51 of the present application are method claims, while claims 97-106, 108 and 109 in Application No. 10/998,761 are computer readable medium claims. Thus, at least because these claims recite different claim formats (method vs. computer readable medium) these claims should not be subject to a statutory double patenting rejection. Accordingly, Applicants request that the provisional double patenting rejection be withdrawn.

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Conclusion

For all of the foregoing reasons, Applicants submit that this case is in condition for allowance.

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